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16	PAUL ORSHAN, CHRISTOPHER ENDARA, & DAVID HENDERSON (Additional Counsel Listed in Signature Block)		
17			
18	IN THE UNITED STATES DISTRICT COURT		
19	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
20	SAN JOSE DIVISION		
21	PAUL ORSHAN, CHRISTOPHER	1	
22	ENDARA, and DAVID HENDERSON,	Case No. 5:14-cv-05659-EJD	
23	individually, and on behalf of all others similarly situated,	NOTICE OF MATTER UNDER SUBMISSION	
24	Plaintiffs,		
25	V.	[CIV. L.R. 7-13]	
26	APPLE INC.,		
27	Defendant.		
28			

NOTICE OF MATTER UNDER SUBMISSION CASE No. 5:14-CV-05659-EJD

NOTICE OF MATTER UNDER SUBMISSION

Pursuant to Civil Local Rule 7-13 of the United States District Court for the Northern District of California, Plaintiffs Paul Orshan, Christopher Endara, and David Henderson (collectively, "Plaintiffs") and Defendant Apple Inc. ("Apple," and together with Plaintiffs, the "Parties") hereby notify the Court that Apple filed a motion to dismiss the First Amended Complaint (the "Motion") that was fully briefed as of June 19, 2015 and taken under submission by this Court on July 13, 2015. ECF Nos. 24-30, 35. As of the date of this filing, that Motion remains pending before this Court. There are also two other cases before this Court that have been stayed pending a ruling on the Motion. *See Moure v. Apple Inc.*, Case No. 5:15-cv-01952-EJD; *Neocleous v. Apple Inc.*, Case No. 5:15-cv-00501-EJD.

In addition, there currently is a complaint pending in the Los Angeles County Superior Court (brought by different counsel) that asserts claims and makes allegations that are virtually identical to those here on behalf of a putative class that is subsumed by the putative nationwide class in this case (the "State Action"). *See Jacobson v. Apple Inc.*, L.A. Sup. Ct. Case No. BC586787. Because the Motion in this case has been fully briefed and is pending before this Court, the court in the State Action has stayed all substantive activity in that case, including potential motion practice, pending a ruling by this Court on the Motion. There is a status conference in the State Action scheduled for February 22, 2017 in which the parties in that case are directed to report to the court on the status of the pending Motion in this case.

1	Dated: February 15, 2017	O'MELVENY & MYERS LLP MATTHEW D. POWERS
2		By: /s/ Matthew D. Powers Matthew D. Powers
3		Attorneys for Defendant
4		APPLE INC.
5	Dated: February 15, 2017	MICHAEL MCSHANE
6	,	AUDET & PARTNERS, LLP
7		CHARLES J. LADUCA MATTHEW E. MILLER
8		WILLIAM H. ANDERSON CUNEO GILBERT & LADUCA LLP
9		JON M. HERSKOWITZ
10		BARON & HERSKOWITZ
11		ROBERT SHELQUIST LOCKRIDGE GRINDAL NAUEN PLLP
12		By: /s/ Michael McShane
13		Michael McShane
14		Attorneys for Plaintiffs PAUL ORSHAN, CHRISTOPHER
15		ENDARA, & DAVID HENDERSON
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ATTESTATION OF FILING

Pursuant to Local Rule 5.1(i)(3) regarding signatures, I, Matthew D. Powers, hereby attest that concurrence in the filing of this Notice of Matter Under Submission has been obtained from Michael McShane, with conformed signatures above.

6 Dated: February 15, 2017

O'MELVENY & MYERS LLP MATTHEW D. POWERS

By: /s/ Matthew D. Powers

Matthew D. Powers

Attorneys for Defendant APPLE INC.

NOTICE OF MATTER UNDER SUBMISSION CASE No. 5:14-CV-05659-EJD